

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

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SIOUX RURAL WATER SYSTEM, INC., a  
Non-Profit Corporation

Plaintiff,

vs.

CITY OF WATERTOWN, a South Dakota  
Municipality, and WATERTOWN  
MUNICIPAL UTILITIES, an agency of the  
CITY OF WATERTOWN

Defendants.

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Civ. 15-1023

**PLAINTIFF'S MOTION TO  
EXCLUDE WITNESSES**

Comes now the Plaintiff in the above-entitled matter, by and through its attorneys, Jeff Cole and William D. Sims, and respectfully moves this Court, pursuant to Fed. R. Civ. P. 37, for an Order to exclude 12 of Defendants' witnesses that were disclosed 272 days after the deadline for disclosing witnesses. The grounds for this Motion are further discussed in the Brief in Support of Plaintiff's Motion to Exclude Witnesses, which is being filed herewith. The witnesses identified 272 days after the deadline are:

1. Mr. Virgil and Mrs. Sue Borns
2. Ms. Heather Farnham
3. Mr. Steve Horning
4. Mr. Merlin Jeitz
5. Mr. Greg Moes
6. Ms. Joy Nelson

7. Mr. Chip Premus
8. Mr. Dan Radershadt
9. Mr. Eric Skott
10. Mr. Albin Stromseth
11. Mark Meier

Dated this 14<sup>th</sup> day of August, 2017.

/s/ Jeff Cole  
Jeff Cole  
William D. Sims  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of Plaintiff's Motion to Exclude Witnesses was electronically filed and served via the CM/ECF system on this 14<sup>th</sup> day of August, 2017 to:

Jack Hieb  
[jhieb@rwwsh.com](mailto:jhieb@rwwsh.com)

Zachary W. Peterson  
[zpeterson@rwwsh.com](mailto:zpeterson@rwwsh.com)

Dated this 14<sup>th</sup> day of August, 2017.

/s/ Jeff Cole  
For the Firm